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Message Text

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ACTION LAB-04

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TO SECSTATE WASHDC 6869

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PASS DEPARTMENT OF LABOR, LABOR-MANAGEMENT SERVICES

E.O. 11652: N/A
TAGS: ELAB, UK
SUBJECT: REQUEST FOR INFORMATION

1. WE HAVE RECEIVED A NUMBER OF ENQUIRIES, INCLUDING ONES FROM THE MINISTER OF STATE AT THE DEPARTMENT OF EMPLOYMENT AND MEMBER OF PARLIAMENT, CONCERNING THE PENSION RIGHTS OF THE UK EMPLOYEES OF WESTERN UNION INTERNATIONAL OF ONE 278 PLAZA, NEW YORK, NY 10004. THE COMPANY IS AN INTERNATIONAL CARRIER OF WORLD-WIDE COMM-UNICATIONS AND HAS DECLARED A REDUNDANCY PROGRAM AMONG ITS EMPLOYEES IN THE UK, I.E. THEIR JOBS HAVE BEEN ABOLISHED.

2. THE ENQUIRERS ARE ASKING FOR AN INTERPRETATION OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT IN RELATION TO THE "WESTERN UNION CABLE PENSION PLAN" (THE PLAN) WHICH COVERED THE UK EMPLOYEES. THE PLAN APPLIES TO ALL EMPLOYEES OF THE WESTERN UNION CABLE SYSTEM AND CABLE STATIONS IN EUROPE. IT IS FUNDED SOLELY IN THE U.S. AND ADMINISTERED FROM THERE AND IS NON-CONTRIBUTORY, INDIVISIBLE AND ALSO, APPARENTLY, DISCRETIONARY.

3. WE UNDERSTAND THAT WESTERN UNION INTERNATIONAL HAS INFORMED THE REDUNDANT UK EMPLOYEES THAT IT HAS NO LEGAL OBLIGATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY
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ACT TO PRESERVE THEIR PENSION RIGHTS, PRIMARILY BECAUSE

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THE SECTIONS OF THE ACT WHICH COVER PRESERVATION OF PENSION RIGHTS DO NOT COME INTO FORCE UNTIL JANUARY 1, 1976. ALSO, WE UNDERSTAND THAT THE UK OCCUPATIONAL PENSIONS BOARD HAS ESTABLISHED THAT THE WESTERN UNION PLAN IS NOT SUCH THAT THE EMPLOYER HAS A LEGAL OBLIGATION UNDER THE UK SOCIAL SECURITY ACT 1973 TO PRESERVE THE PENSION RIGHTS OF LONGSTANDING EMPLOYEES, WHO LEAVE THEIR

EMPLOYMENT BEFORE THE NORMAL PENSION AGE, FOR PAYMENT AT THE NORMAL PENSION AGE. AT THE SAME TIME, HOWEVER, THE WESTERN UNION PLAN WOULD NOT SATISFY THE CONTRACTING OUT REQUIREMENTS OF THE SOCIAL SECURITY PENSIONS ACT 1975, I.E. IT WOULD NOT MEET THE LEGAL REQUIREMENTS FOR A PRIVATE PENSION PLAN.

4. WE SHOULD BE GRATEFUL IF YOU WOULD ADVISE US WHETHER OR NOT PRESENTATION OF THE PENSION RIGHTS OF THE UK EMPLOYEES OF WESTERN UNION COMES WITHIN THE TERMS OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT.

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